

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 517 – HB 1040**

April 12, 2017

**SUMMARY OF ORIGINAL BILL:** Prohibits a county election commission or election official from prohibiting a voter from using a mobile communication device at a polling place except in certain circumstances.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase State Expenditures - \$800/One-Time

**SUMMARY OF AMENDMENTS (006350, 007117):** Amendment 006350 deletes and rewrites the bill such that the only substantive change increases the circumstances when a county election commission or election official may prohibit a voter from using a mobile communication device at a polling place.

Amendment 007117 deletes and replaces language within amendment 006350 to authorize county election commissions and election officials to prohibit a voter from using a mobile electronic device to photograph or video record a marked ballot in an effort to commit voter intimidation, voter fraud, or bribery.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Under current law, pursuant to Tenn. Code Ann. § 2-7-142, voters are prohibited from using mobile communication devices at a polling place for telephone conversations, recording, or taking photographs or videos while inside the polling place.
- The proposed language would authorize an election official to prohibit the use of mobile electronic devices in instances where a voter utilized the device to conduct a conversation within ten feet of any voting machine, ballot box, or voting booth; to photograph or record an election ballot in an attempt to commit voter fraud, voter intimidation, or bribery; to disrupt or delay other persons from voting; to photograph or video persons in the polling place without their consent; to intimidate others; or to discuss candidates or issues on the ballot; or if the ringtone was not silenced.

**SB 517 – HB 1040**

- According to the Department of State, posters detailing the permissible use of mobile devices at the polling places are distributed to each county for display. Passage of this legislation will require printing of new posters to identify the new permissible uses of mobile devices and distribution of such new posters to the counties. The one-time increase in state expenditures for reprinting posters and distribution is estimated to be \$750.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jrh